

REMARKS

Status of the Claims

Claims 3-18, 25-27, 30-31 and 39-49 are pending in the Application. Claims 3-18, 25-27, 30-31 and 39-49 stand rejected.

Claim Objections

Claim 41 is objected to because of an informality. Applicants have amended the claim to address the objection and respectfully request withdrawal of the objection.

Claim Rejections - 35 USC § 102

Claims 3-18, 25-27, 30-31 and 39-49 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,948,040 issued to DeLorme et al. (hereinafter referred as DeLorme). Applicants respectfully request withdrawal of the rejections in view of the following remarks. Applicants further reserve the right to antedate DeLorme in a future communication.

Anticipation is an exacting standard. Under 35 U.S.C. § 102, every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim. *In re Bond*, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). Implicit in a review of an examiner's anticipation analysis is that the claim must first have been correctly construed to define the scope and meaning of each contested limitation. See, e.g., *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) ("To properly compare [an allegedly anticipatory prior art reference] with the claims at issue, we must construe the term 'computer' to ascertain its scope and meaning.").¹

¹ More recently, the Court of Appeals for the Federal Circuit has stated: To anticipate a claim, a single prior art reference must expressly or inherently disclose each claim limitation. *Celeritas Techs. v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1361 (Fed. Cir. 1998). But disclosure of each element is not quite enough – this court has long held that "[a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983) (citing *Soundsciber Corp. v. United States*, 360 F.2d 954, 960, 175 Ct. Cl. 644 (Ct. Cl. 1966) (emphasis added)).

With entry of the above amendments, claim 3 will recite, in relevant part:

providing said user client with a search result responsive to said search request, the search result comprising a subset of said data pertaining to the commercial enterprises, said search result sufficient to enable said user client to instantiate an image including one or more representations based on said subset superimposed over a map image of a geographic area represented by said geographical map data and render navigable areas within said geographical area without requiring new map data to be provided to the user client, wherein a level of visibility of each enterprise representation in said image is determined according to at least one selection criterion.

(emphasis added to indicate added text). Independent claims 41, 46, and 48 previously recited limitations similar to the above amendments. Thus, Applicant submits that the above amendments do not present new matter. Applicants respectfully submit that the passages cited from DeLorme do not disclose each and every element of claim 3 as amended. Support for the amendment is provided at least in paragraph 0024 of the specification. As amended, claim 3 now recites that the search result is sufficient to enable the user client to render navigable areas within the geographical area without requiring new data to be provided to the user client. In contrast, DeLorme teaches that geographic and topical sessions are separate subsystems (see Fig. 2 and column 34 lines 5-25). Furthermore, each sub-session requires new or modified data (“Each one of these steps or component ‘sub-sessions’ unfolds or occurs through the installation of new data, and/or the modification of previously installed data...” column 34 lines 13-15). Applicants therefore submit that claim 3 is not anticipated by DeLorme and is therefore patentable.

Applicants further submit that dependent claims 3-18 are patentable at least by virtue of their dependency from an allowable base claim. Applicants have amended independent claim 30 to recite similar features as claim 3, and thus claim 30 and its dependent claims 31 and 39-40 are thus allowable for at least the same reasons.

Regarding claim 12, Applicants submit that DeLorme col. 34, lines 26 – 56, cited by the Examiner, does not disclose that said server is also capable of managing an affiliation of said user to consumer clubs associated with at least one commercial enterprise of said

plurality of commercial enterprises. The cited passage describes a general operation of a travel planning session but does not address the subject matter of dependent claim 12.

Regarding claim 13, Applicants submit that DeLorme Fig. 9 and associated texts, cited by the Examiner, does not disclose periodically receiving from at least one of said commercial enterprises information relating thereto. The cited passage describes portable TRIPS embodiments but does not address the subject matter of dependent claim 13.

The Examiner has rejected claims 41 – 47 because the Examiner contends that these claims recite similar features as claims 3 - 17, 25-27 and 39-40. Applicants respectfully disagree.

Independent claim 41 recites at least “maintaining a database of layers of geographical map data... each layer providing progressively more detail when displayed at a client display” which are not recited in claims 3 - 17, 25-27 and 39-40 and are not disclosed in the passages cited by the Examiner. Claim 41 also recites “said search result sufficient to enable the client display to instantiate an image including one or more representations based on said subset superimposed over a map image of a geographic area represented by said geographical map data and allow a user to navigate within said geographic area without requiring new map data to be downloaded from the map server” which Applicants have pointed out above is not disclosed by the passages cited by the Examiner. Applicants therefore submit that claim 41 is not anticipated by DeLorme and is therefore patentable.

Applicants further submit that dependent claims 42-25 are patentable at least by virtue of their dependency from an allowable base claim. Furthermore, claim 42 recites “layers of geographical map data comprises minimized vector format data” which is not recited in claims 3 - 17, 25-27 and 39-40 and are not disclosed in the passages cited by the Examiner. Claim 43 recites “said minimized vector format data comprises minimal sorted groups, each of said minimal sorted groups comprising a map object and an object type” which is not recited in claims 3 - 17, 25-27 and 39-40 and is not disclosed in the passages cited by the Examiner. Claim 44 recites “said map data comprises descriptive information in text format” which is not recited in claims 3 - 17, 25-27 and 39-40 and is not disclosed in the passages cited by the Examiner. Claim 45 recites “said layers of geographical map data comprise groupings of map objects” which is not recited in claims 3 - 17, 25-27 and 39-40 and is not disclosed in the passages cited by the Examiner.

Independent claims 46 and 48 recite at least “said map data representative of at least one map image of a geographic area and comprising at least two layers, each layer providing progressively more detail to be displayed at the computer device” which are not recited in claims 3 - 17, 25-27 and 39-40 and are not disclosed in the passages cited by the Examiner. Claims 46 and 48 also recite “allow a user to navigate within said geographic area without requiring new map data to be downloaded from the map server” which Applicants have pointed out above is not disclosed by the passages cited by the Examiner. Applicants therefore submit that claims 46 and 48 are not anticipated by DeLorme and are therefore patentable.

Applicants further submit that dependent claims 47 and 49 are patentable at least by virtue of their dependency from an allowable base claim. Furthermore, claims 47 and 49 recite “receiving navigation commands and responding thereto by displaying different parts of the map image without downloading new map data from the map server” which is not recited in claims 3 - 17, 25-27 and 39-40 and is not disclosed in the passages cited by the Examiner.

Applicant respectfully submits that the 35 USC §102 rejections be withdrawn in view of the above remarks.

Conclusion

Applicant respectfully submits that the pending claims patentably define over the cited art and respectfully requests reconsideration of all pending claims. Should the examiner have any further suggestions for expediting the prosecution of the presently pending claims, the undersigned respectfully asks the examiner contact him at **206-903-2474**.

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